

HOUSE BILL NO. 573

INTRODUCED BY J. POMNICHOWSKI

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE LICENSE SUSPENSION PERIOD FOR A REPEAT OFFENDER WHO HAS BEEN ACCEPTED AND APPROVED FOR PARTICIPATION IN A DRUG TREATMENT COURT; AND AMENDING SECTION 61-5-208, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 61-5-208, MCA, is amended to read:

"61-5-208. Period of suspension or revocation -- limitation on issuance of probationary license -- notation on driver's license. (1) The department may not suspend or revoke a driver's license or privilege to drive a motor vehicle on the public highways, except as permitted by law.

(2) (a) Except as provided in 61-2-302, a person whose license or privilege to drive a motor vehicle on the public highways has been suspended or revoked may not have the license, endorsement, or privilege renewed or restored until the revocation or suspension period has been completed.

(b) (i) When a person is convicted or forfeits bail or collateral not vacated for a first offense of operating or being in actual physical control of a motor vehicle while under the influence of alcohol or any drug or a combination of alcohol or drugs or for a first offense of operation of a motor vehicle by a person with alcohol concentration of 0.08 or more, the department shall, upon receiving a report of conviction or forfeiture of bail or collateral not vacated, suspend the driver's license or driving privilege of the person for a period of 6 months.

(ii) Upon receiving a report of a conviction or forfeiture of bail or collateral for a second, third, or subsequent offense within 5 years of the first offense, the department shall suspend the license or driving privilege of the person for a period of 1 year and may not issue a probationary license during the period of suspension: unless a person has been accepted and approved for participation in a drug treatment court monitored by the office of the court administrator. A participant may be eligible to receive a suspension of all driving privileges for the first 45 days of the suspension time followed by a reinstatement of limited driving privileges for the purpose of getting to and from work, school, or an alcohol treatment program if an ignition interlock device is installed on each of the motor vehicles owned or operated, or both, by the individual and with the recommendation of the presiding drug treatment court judge. If the 1-year suspension period passes and the

1 person has not completed a chemical dependency education course, treatment, or both, as ordered by the
2 sentencing court, the license suspension remains in effect until the course, treatment, or both, are completed.

3 (c) For the purposes of subsection (2)(b), a person is considered to have committed a second, third, or
4 subsequent offense if fewer than 5 years have passed between the date of an offense that resulted in a prior
5 conviction and the date of the offense that resulted in the most recent conviction.

6 (3) (a) Except as provided in subsection (3)(b), the period of suspension or revocation for a person
7 convicted of any offense that makes mandatory the suspension or revocation of the person's driver's license
8 commences from the date of conviction or forfeiture of bail.

9 (b) A suspension commences from the last day of the prior suspension or revocation period if the
10 suspension is for a conviction of driving with a suspended or revoked license.

11 (4) If a person is convicted of a violation of 61-8-401 or 61-8-406 while operating a commercial motor
12 vehicle, the department shall suspend the person's driver's license as provided in 61-8-802.

13 (5) (a) A driver's license that is issued after a license revocation to a person described in subsection
14 (5)(b) must be clearly marked with a notation that conveys the term of the person's probation restrictions.

15 (b) The provisions of subsection (5)(a) apply to a license issued to a person for whom a court has
16 reported a felony conviction under 61-8-731, the judgment for which has as a condition of probation that the
17 person may not operate a motor vehicle unless:

18 (i) operation is authorized by the person's probation officer; or

19 (ii) a motor vehicle operated by the person is equipped with an ignition interlock device."

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